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Identical letters dated 15 December 2011 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the General Assembly and the President of the Security Council

Upon instructions from my Government, I have the honour to transmit herewith a letter regarding the position of the Syrian Government with regard to the presentation delivered by the United Nations High Commissioner for Human Rights to the Security Council on Monday, 12 December 2011 (see annex).

It would be highly appreciated if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 69 (c), and of the Security Council.

(*Signed*) Bashar **Ja'afari**
Ambassador
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Annex to the identical letters dated 15 December 2011 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the General Assembly and the President of the Security Council

[Original: Arabic]

On Monday, 12 December 2011, the Security Council held a closed meeting on the agenda item concerning the situation in the Middle East. In the course of that meeting, a statement from the High Commissioner for Human Rights was heard which addressed the situation of human rights in Syria. That statement was politicized, unprofessional and lacking in objectivity, and was consistent with the agendas of certain States that wish to destroy Syria and make a military incursion into it on the pretext of protecting civilians. In her statement, Ms. Pillay held the Syrian Government solely responsible for the events that are taking place, and greatly exceeded the terms of her mandate and that of her Office by recommending that the Council should refer Syria to the International Criminal Court, ignoring the human rights violations that are carried out by terrorist groups and the millions of dollars that they are receiving in the form of money, arms, and propaganda and logistical support, which aim to destroy Syria and kill its people.

The High Commissioner has yet again demonstrated her lack of credibility and lack of professionalism with regard to the situation of human rights in Syria and the politicization of her work. Similarly, the report of the Independent International Commission of Inquiry has again been shown to be unprofessional and politicized. Through numerous meetings and communications, Syria has cooperated with the High Commissioner for Human Rights from the very inception of the events. It has also cooperated with the Commission and provided it with numerous documents and certified information on the real situation in Syria. However, both those parties have ignored that cooperation and disregarded anything with which they were provided by Syria.

Syria has assured the High Commissioner and the Commission that it has established an impartial, independent judicial investigative committee that has wide powers to investigate all crimes committed in the course of the current events. That committee is operating continuously in order to establish the truth, bring closure to victims and punish perpetrators. We have repeatedly made it clear that the work of this committee has not been concluded and that the Syrian Government does not wish to pre-empt its work and present outcomes that are subjective or have political aims, as the Commission did in its report.

We have affirmed our readiness to consider cooperating with the Commission as soon as the Syrian investigative committee has reached concrete conclusions. However, the High Commissioner and the Commission have rejected that offer and have, instead, chosen to listen to those they call "witnesses", regional and international organizations, journalists, non-governmental organizations and those whom they call dissident members of the security and armed forces. Here, we should like to ask the High Commissioner and the members of the Commission whether they invited any members of the family of child martyr Sari Sa'ud to Geneva to give their testimony? Have they heard any testimony from Zainab, the young woman who was supposedly killed, who has proven to be alive and well?

Have they taken any statements from family members of Brigadier General Khodir al-Talawi, who was murdered in cold blood, together with his three children, their bodies then being put on display? Why have the High Commissioner and the Commission refused to investigate all the documented information with which they have been provided by Syria on the young boy Hamza Khatib and chosen other, exaggerated, media reports in order to direct dangerous accusations against Syria of crimes against humanity? Those who prepared the report relied on interviews with politicians, journalists, persons who have an interest in destroying Syria and citizens of foreign States, some of which are parties to the events in which Syrian people are dying on a daily basis. Some of those persons are directly involved in the fabrication of news that is hostile to Syria, while the hands of others are steeped in Syrian blood. How can the High Commissioner and the Commission claim to be unbiased and objective when they have met none of the above-mentioned victims or any of the numerous other persons who have suffered as a result of the terrorism in Syria?

Hundreds of the terrorists have publicly admitted that they killed demonstrators and that they carried out kidnappings, killed and displayed the bodies of their victims, sought to spread alarm and fabricated news in return for money from certain neighbouring States. Those persons killed anyone who did not agree to demonstrate with them or collude with them in destroying Syria, and took pride in their acts of arson, displays of corpses and rapes.

The High Commissioner stated that 5,000 Syrians have been martyred to date. This is absolutely untrue: the vast majority of victims have been supporters of the Government who were killed by the terrorists whose words have been accepted by the High Commissioner.

We should like to remind the High Commissioner that on 22 June 2011, with a view to directing her attention to the non-peaceful nature of what was taking place in Syria, we informed her that more than 260 members of the security and armed forces had died in armed clashes, but the High Commissioner paid no heed. By 20 August 2011, that figure had risen to 600; by 19 October 2011 to 1,100; and it currently stands at over 2,000. Nevertheless, the High Commissioner continues to refuse to accept or even hear that any terrorist operations are being carried out in Syria. Do not those martyrs also have human rights and deserve a mention in the reports and statements of the High Commissioner and the Commission of Inquiry?

We find no reference in the report to the damage that has been wreaked on railway and oil pipe lines, the schools, clinics and official institutions that have been put to the flames or the infrastructure that has been destroyed: do the victims of those violations not merit the concern of the High Commissioner?

Does the fact that citizens have been terrorized and forced to leave their homes and property and go to areas where particular sects predominate, that citizens have been killed and their corpses mutilated in order to divide the country along sectarian lines, and that persons whose rights to life, to a ban on extrajudicial killing and to freedom of religion and belief have been violated not deserve any attention from the High Commissioner and the Commission of Inquiry? We would like to ask whether the High Commissioner and the Commission intend to take any steps with regard to these issues other than to call for the Syrian file to be transferred to the International Criminal Court and for a military invasion of the country that will kill tens of thousands of Syrians, just as in the NATO attack on Libya, in response to which the

High Commissioner did not say a single word, regardless of the fact that more than 50,000 persons were killed in the raids carried out by NATO and its agents.

How is it possible for the Commission of Inquiry to affirm that crimes against humanity have been committed when it has not followed the most basic rules for a professional and objective enquiry with regard to collecting evidence? Unfortunately, the High Commissioner and the Commission of Inquiry have chosen to describe as claims all the evidence that has been put before them of those serious violations of human rights, while the claims made by journalists and representatives of non-governmental organizations are taken as substantiated fact, when there are no links between that information and the evidence. Information has been selectively employed, regardless of its source and credibility, in a clear departure from the basic principles of impartiality, objectivity and professionalism that should be applied in any investigation. Lack of professionalism is evident in the preparation of the report, the precision of its facts and its methodology. Exaggerated and fabricated information was used as the basis for highly dangerous accusations, and recommendations were made that will serve to intensify the campaign against Syria that is being waged by certain States. The report can therefore not be considered in isolation from that campaign.

The High Commissioner and the Commission have exceeded their authority and departed from their humanitarian duty to protect human rights, applying double standards and being politicized. The High Commissioner and the Commission have become involved in a campaign against Syria in a manner that clearly violates their obligations and the resolutions whereby they were appointed. While the Commission was established with a mandate to investigate violations of human rights law, it has exceeded that remit and carried out its investigation in accordance with the rules of the International Criminal Court.

Both the High Commissioner and the Commission have failed to observe one of the most important purposes of the United Nations, namely, to resist the use or threat of military force against the territorial integrity or political independence of any State.

The report of the Commission of Inquiry and the statement of the High Commissioner for Human Rights were completely politicized, selective and unprofessional and fail to observe the most basic rules of international law and international human rights law or even the Charter of the United Nations under whose roof they gathered. That report cannot be used as the basis for any future action against Syria and throws a pernicious shadow over the credibility and role of the Commission for Human Rights and of the United Nations as a whole in protecting and upholding human rights throughout the world.

Syria has in the past affirmed, as it does again today, that the only solution to this crisis is national dialogue. Unfortunately, the High Commissioner and the Commission of Inquiry, who claim to defend human rights, the foremost of which is the right to life, failed to call for any form of such dialogue, preferring to violate Syrian human rights by calling for foreign armies to enter Syria.

Syria has chosen to follow the path of reform and to respond to the demands of its people, and to impartially investigate events. It has also elected to pursue dialogue. We expect the High Commissioner and the Commission to take part in all those measures and assist the Syrian people in moving peacefully, through dialogue,

towards a better future, rather than to call for the involvement of foreign armies on the pretext of protecting civilians.

We call upon all States Members of the United Nations to have no dealings with such unprofessional and politicized reports, which prejudice the credibility and impartiality of the United Nations. We also ask that no heed be paid to calls for foreign intervention in Syria and that their true roles should be restored to the Security Council, General Assembly and United Nations in protecting international peace and security and protecting and upholding human rights: some of those bodies have become tools for involving the use of military force in international relations. Such force has brought misery and human rights violations to all the peoples against whom it has been used, as we have seen on numerous occasions. We call upon States Members to support the plans for reform and dialogue in Syria as a means of ending this crisis, which is letting the life blood of the Syrian people in the interests of foreign projects that do not serve international peace and security or strengthen and protect human rights.

We should like to enquire, now that consideration has been given to the situation in Syria under the agenda item on the situation in the Middle East, what the Security Council has done to protect human rights in another part of Syria, namely, the occupied Syrian Golan? Its population has been subjected to grievous and systematic violations of human rights for more than four decades as part of a regional situation that has been created by the occupying Power, which continues to pose a real threat to international peace and security. The Security Council has chosen to remain silent and to wait for an opinion from great powers that protect the occupying Power, abandoning the inhabitants of the Syrian Golan to a fate that cannot be known, given the total absence of the concept of peace and human rights.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative